

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.8 of 2017

In
Miscellaneous Jurisdiction Case No.2582 of 2014

=====

Krishna Nandan Prasad, aged about 77 years, son of Late Prayag Prasad alias Prayag Mahto, resident of Village - Utarthu, Post Office - Utarthu, Police Station - Bind, District - Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through Shri Deepak Kumar Singh, the Secretary, Water Resources Department, Government of Bihar, Old Secretariat, Patna.
2. Mr. Hari Narain, Chief Engineer, Patna Division, Irrigation Department, Government of Bihar, Anishabad, Patna.
3. Smt. Palaka Sahni, Collector of the District, Nalanda.
4. Mr. Nagendra Nath Mishra, Executive Engineer, Water Ways Division, Sub Divisional Office, Biharsharif, Nalanda.
5. Mr. Gajendra Chaudhary, Assistant Engineer-cum-Sub Divisional Officer, Water Ways Division, Sub Division Office, Biharsharif, Nalanda.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2017

This Letters Patent Appeal is filed against an order passed on 25.11.2016 in a contempt proceedings M.J.C. No. 2582 of 2014 wherein after considering the show-cause filed the learned Court has refused to initiate contempt action.

It is the case of the appellant that full compliance of the order has not been done, only part compliance has been done, and therefore, the Contempt Court has not exercised its jurisdiction properly.



In a contempt proceedings if the Contempt Court refuses to exercise jurisdiction and does not take contempt action, even an appeal is prohibited under Section 20 of the Contempt of Courts Act and, therefore, the Letters Patent Appeal against such an order will not be maintainable. In case the appellant feels that the order passed in the writ petition has not been complied with fully, fresh cause of action would accrue to the appellant to initiate proceedings in accordance with law but on such ground against an order passed dismissing a contempt application an L.P.A. is not maintainable.

The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.12.2017
Transmission Date	

